OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION

Improving our future by degrees

April 13, 2009

Re: Comments on the American Recovery and Reinvestment Act Broadband Initiatives of the National Telecommunications and Information Administration and Rural Utilities Service   Docket No. 090309298–9299–01

To Whom It May Concern:

The Oklahoma State Regents for Higher Education (OSRHE) believes that building mobile wireless broadband networks should be a primary consideration in state's efforts to provision broadband in un- and underserved areas. The OSRHE recognizes that public-private partnerships are critical to the rollout and sustainability of the nation's broadband efforts through the cost-sharing of infrastructure and expertise – ultimately providing a framework of collaboration that serves business and consumers as well as government and education entities that include, but are not limited to, K-20, healthcare, transportation, public safety, tribes and scientific research. This public-private partnership would definitely provide the best "bang for the stimulus buck". Further, this has been the model for OSRHE's Statewide Network "OneNet" for 16 years which has proven that State Government, Education and for-profit telecommunication companies can partner to reduce costs for both and provide tremendous value to consumer, business, government and education.

Today's mobile technologies are also capable of speeds supporting the vast majority of uses critical to economic and social participation in cyberspace. Unlike wired networks, mobile wireless broadband networks have the ability to deliver a double benefit – broadband and mobility with a single, targeted investment.

Wireless technology is also the most cost-efficient means of providing affordable "last" and "middle mile" broadband both to sparsely populated rural areas and urban centers. Wireless broadband networks can be built quickly and due to their low cost, they are sustainable and more affordable than wired networks. Wireless broadband networks are also critical to attracting investment, spurring innovation, and increasing productivity.

OSRHE recommends that the "Agencies" implement the following strategies as part of their broadband initiatives.

- The Agencies should consider relevant broadband product markets when defining "un-served," "underserved," and "rural economic development."

- Mobile wireless and fixed broadband services comprise separate product markets. Broadband services are comprised of different product markets that offer consumers different *capabilities*, irrespective of the broadband speed provided or the technology used.   The ability of wireless networks to offer mobility places wireless broadband in an entirely separate *product market*.

- NTIA should define areas in which mobile wireless broadband service capable of delivering at least 3 mbps downlink and 768 kbps uplink speeds is unavailable as "un-served."

- For the same reason, RUS should define areas in which mobile wireless broadband service is unavailable as lacking sufficient high speed broadband service to facilitate rural economic development.

- The Agencies should not require symmetrical threshold speeds for mobile wireless broadband networks.

- The Agencies should reject requests to limit initial rounds of funding to "un-served" areas only and instead consider both "un-served" and "underserved" areas concurrently.

- Projects that receive funding should represent a public–private partnership which will benefit consumers, rural business as well as hospitals, libraries, public safety and all levels of education and government including tribal government .

- The Agencies' application selection criteria should consider whether multiple purposes or product markets would be served by an application.

- Applications which serve many markets and constituencies should be move to the top of the selection lists.

- The Agencies should give consideration to an applicant who has a history of providing enabling telecommunications with demonstrated commitment to rural and underserved areas.

State Role

- The Agencies should give substantial consideration to the views of the states.

- The "State" role should include identifying and insuring services are built to local communities, tribes, K-20 education, public safety, transportation, healthcare, smart grids and other government institutions.

- The Agencies should give positive consideration to states who operate their own private data networks and who have demonstrated history of reducing costs through public-private partnerships with for-profit telecommunications companies which ultimately lower costs to both by sharing most infrastructure costs.

- The Agencies should reject proposals, even from "States" which will not serve all levels of government. For example, a request for funds to build a "K-12" network which will not benefit libraries or higher educations should not be funded as it would requires duplicative efforts on the part of those other agencies.

OSRHE commends the Agencies' adoption of an open and inclusive process for soliciting public comment on how to best implement the broadband funding provisions in Section 6001 of the American Recovery and Reinvestment Act of 2009 ("ARRA"). With ARRA funding, OSRHE will be able to accelerate broadband deployment to unserved and underserved areas, create and sustain jobs, and enhance public institutions' capabilities with regard to the Internet. Accordingly, OSRHE has a direct and immediate interest in the Agencies' funding criteria and application procedures, and offers these comments in an attempt to assist the Agencies in their efforts to implement the ARRA.

Conclusion

The Agencies should give substantial consideration to the views of the States.

The Agencies should give substantial consideration to the views of the states when determining whether a particular area is "unserved" or "underserved" as well as during the application selection process. Congress recognized that States have resources and a familiarity with local economic, demographic, and market conditions that could contribute to the success of the broadband grant program. This important role permits the states to share their considerable expertise.

OSRHE stands ready and willing to work with NTIA, RUS, the FCC and other industry groups to bring the ARRA application process to a successful conclusion.

Respectfully submitted, Oklahoma State Regents for Higher Education